

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

EVARISTUS MACKEY,

Plaintiff,

v.

CIVIL ACTION NO. 1:21-00092

C. MARUKA, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on August 10, 2021, in which he recommended that the district court grant the United States' "Motion to Reconsider Filing Status as *In Forma Pauperis*," revoke plaintiff's IFP status, direct the Clerk to return plaintiff's initial partial payment of the filing fee, dismiss plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1915(g), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such

party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the allotted time period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** the United States' "Motion to Reconsider Filing Status as *In Forma Pauperis*," **REVOKES** plaintiff's IFP status, **DIRECTS** the Clerk to return plaintiff's initial partial payment of the filing fee, **DISMISSES** plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1915(g), and **DIRECTS** the Clerk to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

**IT IS SO ORDERED** this 9th day of September, 2021.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge